

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

**Latasha Holloway, *et al.*,**

**Plaintiffs,**

**v.**

**City of Virginia Beach, *et al.*,**

**Defendants**

**Civil Action No. 2:18-cv-0069**

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**PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

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**PLAINTIFFS' EXHIBIT 21**

Transcript of 2001 Redistricting Public Hearing (DEF02158-02183)

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**Item V-H.1.**

**PUBLIC HEARING**

**ITEM # 48708**

*Former Mayor Louis R. Jones* **DECLARED A PUBLIC HEARING:**

**REDISTRICTING**

Assistant City Attorney Larry Spencer outlined the process relative Redistricting and advised two general information meetings were held in June and July. A page has been created on the city's Website, which contains information relative the schedule and process. In co-operation with the office of Public Information, a Redistricting packet has been formulated including a map by which interested citizens could produce a plan. Mr. Kimball Brace, President of Election Data Services, has met with Council Members and citizenry on three occasions relative the issues to assist them with proposed plans. On September 5, 6, 12 and 13, 2001, four meetings were conducted with the proposed plans on display. These proposals are also on display at the Central Library, Bayside Recreation Center, Seatack Recreation Center, Voter Registrar's office, and in the City Council Chamber.

The City Attorney advised there will be another Public Hearing on October 9, 2001, with a vote on the proposed **Redistricting Plan** scheduled for October 23, 2001 (subject to City Council requiring additional information).

Mr. Brace referenced the proposed Redistricting Plans:

**Composite Alternative**  
**Eure-Mandigo**  
**Groveland Park Civic League**  
**Henry Ryto 2**  
**Pembroke Manor Civic League**  
**Rudy Wilson 11 (new Plan received electronically on Sunday September 30)**

Comparison reports between the new Plans and existing 1990 Districts are provided for each proposal, five of the six plans all having 7 Districts. Rudy Wilson had an 11 single District Plan. A cover sheet depicting the percentage of new District, that came from the old District, of each of the Plans (with exception of Rudy Wilson 11) was also distributed to City Council.

The following registered to speak in **SUPPORT of the Pembroke Master Plan:**

Gene R. Moore, 4604 Williamsburg Court 23462, Phone: 497-5174  
Robert Sipka, President - Pembroke Manor Civic League, 412 Betsy Ross Road 23462, Phone: 490-0630

The following registered to speak in **SUPPORT of the Henry Ryto 2 Proposal:**

Henry Ryto, 864 Old Virginia Beach Boulevard 23451, Phone: 428-2763

The following registered to speak in **SUPPORT of the Rudy Wilson 11 District Proposal:**

Brian Kirwin, 304 Cripple Creek Court 23452, Phone: 463-0399,  
Shewling Wong, 4621 Dorchester Lane 23464, Phone: 474-6194  
Georgia F. Allen, 4405 Running Brook Drive 23462, Phone: 687-3171, Member - Community Coalition for a Better Virginia Beach.  
Nony Abrajano, 972 Aspen Drive 23464, Phone: 420-4181, Chairman - National Federation of Filipino/American Assoc and Member - Community Coalition for a Better Virginia Beach.  
Gil Zulueda - National Federation of Filipino/American Assoc., 1105 Briks Lane 23464, Phone: 495-1618  
Member - Community Coalition for a Better Virginia Beach.  
Mary Nelson, 1994 Newland Drive 23456, Phone: 468-6164,  
Ron Villanueva, 5691 Pin Oak Court 23464, Phone: 523-9393, Member - Community Coalition for a Better Virginia Beach.  
Dr. Charles E. Flowers, 4604 McGregor Drive 23462, Phone: 499-0403  
Charles W. Edmonds, 3013 Red Maple Lane 23452, Phone: 498-7317  
Rudy Wilson, 6381 Chestnut Hill 23464, Phone: 523-1679, Principal designer of the Rudy Wilson 11 Plan, Member - Community Coalition for a Better Virginia Beach.

There being no further speakers, *Former Mayor Jones* **CLOSED THE PUBLIC HEARING.**

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**COUNCILMAN JONES:** I will now declare a Public Hearing for Item one, Redistricting and I will call upon Mr. Lilley to begin the process.

**CITY ATTORNEY:** Thank you, Mr. Jones. We have tonight, before we actually hear speakers, the various Plans that have been presented will be displayed.

I'm going to call upon Larry Spencer to outline the process that we followed and then call upon Kimball Brace of the Election Data Services, our Consultant in this matter, to explain each of the Plans. Then, having those preliminary comments made, I think you will be ready to entertain speakers.

**COUNCILMAN JONES:** All right, sir. Mr. Spencer.

**LARRY SPENCER:** Good evening. We have tried to get as much publicity for this as we can and tried to involve the public as much as we can. Here's an outline of what we have done.

There were two general information meetings, one in June and one in July. They were at two public high schools. In particular, the one in July was fairly well attended. We have created a page on the City's Web Site that's got a lot of useful information about the schedule, the process and general redistricting information.

Also, our office working with Public Information created a redistricting information packet that included a map by which persons who are so interested could produce a plan and at least one person, Mr. Ryto, used that to work on this process and I think it was helpful for others in general to see what was involved in it. They had a lot of statistical information.

We've met three times. Our consultant, Mr. Brace, has been down here three different times to meet with Council Members and also to meet with members of the public that let them know what the issues are and also to help them while working on these Plans: The Pembroke Manner

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Civic League Plan, Mr. Ryto's Proposal, Groveland Park Civic League Proposal and the Eure-Mandigo Proposal. All of those came out of meetings with Mr. Brace when people talked about their ideas and what should or could be done.

There's also recently been four separate meetings at public high schools beginning September 5th and running through September 13th where these Plans were on display. These Plans are also on display at the Central Library, at the Bayside Rec Center, at the Seatack Rec Center, the Voter Registrar's Office and they've been on display outside of City Hall, right outside this Chamber. So, I think there has slowly been some interest developing and hopefully we will have a good dialogue tonight.

Next is Mr. Brace who is going to, like I said, brief you on the Plans and particularly on the latest Plan that came forward.

**KIMBALL BRACE:** Good evening, Members of the Council. I wanted to brief you a little about what we have done. As Larry has said, we have met with a number of members of the public and have a number of different proposals. We have created large maps for your benefit. We have also, at our previous meeting, given you smaller maps of the individual Proposals that have been there so far. We just received another Proposal on Saturday or Sunday and we took the information on Monday and produced a new map, which I believe members of the public will also be discussing that one.

We have put together a packet of information to give you some overview of these various Plans. I have on the computer the individual plans themselves. I also have an overall set of numbers before you, which I passed out that gives you an idea for each of the five of the original plans what percent of the new District is coming from the older District. In other words if you take a look at your particular individual District itself, you can see for each of the five plans what percent of the population of that new District is coming from the old District.

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Now, the material that comprises this is included in a rather large packet of data attached to it. I bring that to your attention, because the 6th plan, Mr. Wilson's Plan, is an 11-District Plan and it doesn't really let you deal with this kind of analysis. So, we have kept that off of the summary, but the internal data for that plan against the existing Districts is attached in this packet at the very tail-end.

As you can see five out of the six Plans all have seven Districts. Mr. Wilson's has now moved forward to have an 11-District Plan, a departure from what had been presented when I came before you the last time also. In most of the Plans, things are fairly similar with small tweakings along the edges and you can see that by looking at just the percent of your old District that's in the new District. All of them are fairly comparable. There are some departures.

Mr. Ryto's plan is a little bit more of a departure from the existing District than the other Plans, but most of the other ones including the two civic league proposals are very similar. In looking at the census data, there was a necessity to be changes because of the massive growth, particularly down at Princess Anne with that phenomenal growth in the Southern part of the City.

Because of that just about every District had to be changed to some degree in these proposals and that information is before you. We have continued to look at information continued to offer our services to the general public. As I mentioned Mr. Wilson's plan came to us in terms of an electronic file, which I received on Sunday night or Monday morning, and we were able to then create a map for your information for tonight.

We have smaller maps similar to the ones that we had, but we didn't get all of them out. I do have some of them that also show incumbent residents on Mr. Wilson's Plan. With that I believe we are going to have members of the public present information about their particular Plans also. I'm available via questions for anything you might have, and I'm here at your disposal. Are there any questions at this point in time?

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**COUNCILMAN JONES:** Do any Members of Council have any questions?

**CITY ATTORNEY:** Mr. Brace, would you go through the package that's been handed out though and let the Council know exactly what they have in the package?

**KIMBALL BRACE:** Certainly. The first is a cover summary sheet. As I said, it's the percent of the new District that came from the old District. So, for example, in Centerville for the composite alternative, 90.9% of the new District that is being proposed in the composite alternative is identical to the old District or District 1.

Okay. So for your own particular Districts, you can look down to each of these Plans and see how similar they are and how much territory in the new proposed District would be comprised of your older District. Now, as I said that information comes to us via these Reports that I have attached that has much more information in them, including information by the various racial groups that we have been looking at, as well as voting age population. It shows the individuals component pieces, the way to read this and the way that I pulled out, for example, that 90% that I mentioned to you initially in Plan A, which is the proposed alternative. Right in front is the composite alternative. That Plan A District Number 1 is composed of three pieces from the old Plan. The first piece -- the major pieces, in fact, the older District Number 1, that amounts to 90%. You see that percent of Plan A, 90% of the population is identical in the old District to the new proposed District Number 1.

Also included in this new proposed District Number 1 in the composite alternative are pieces from Districts 2 and 7. So you see District 2 composes 4.6%. That's 4.7% of Kempsville's older District got put into the new District Number 1 and, in fact, another 4.4% of Princess Anne District 7 comes into District 1 in this alternative. Similarly, each District is proposed before you, so you can see the various pieces and where they came from, not only total population but also the racial mix of the population. There's a lot of

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information there before you, but it's best summarized in that opening chart kind of taking a look at how much of the old District is coming into the new District.

There are Reports for each of the six plans before you in that packet and so you can look at any individual report and look at component pieces that make up the new District coming from the old.

**COUNCILMAN JONES:** Any questions, Council? Thank you, sir.  
We will proceed with the Public Hearing. I would ask that all of the speakers stay within a three-minute time limit with their comments so that we can allow everybody who has signed up to speak the opportunity to speak and in a timely manner.  
Madam Clerk.

**CITY CLERK:** Yes, Your Honor. Gene R. Moore.

**GENE MOORE:** Honorable Members of City Council, I am Gene More. I live in Pembroke Manner and I would like to speak to the Pembroke Manner Civic League Proposal. In 1996 when this Redistricting was done, our community was split into two parts, the west part ended up in the Bayside District and the east part ended up in the Lynnhaven District. So, that is the key to our Proposal. Do you have the Pembroke Manner Plan before you there?  
Okay.

I have also zoomed into that particular part that he's going to be discussing much better than I expected, because when I was looking up I said I'm not going to be able to see that small detail. I will try to do this so that the --

**CITY CLERK:** Mr. Moore, you have a pointer over here, if you will come to the podium and use it.

**GENE MOORE:** I do?

**CITY CLERK:** Uh-huh.

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**COUNCILMAN JONES:** Yeah. That way we can hear you on the sound system, Mr. Moore.

**CITY CLERK:** The little black button up there beside the --

**GENE MOORE:** This thing?

**CITY CLERK:** Yes, sir, you can lift it.

**COUNCILMAN JONES:** Pick it up.

**GENE MOORE:** Okay. I see it. I'm with you now. Our community is on both sides of Independence Boulevard. That vertical line there that's Independence Boulevard. This is Virginia Beach Boulevard here and this the area that we are concerned with in the composite alternative Plan. It still shows that in the Lynnhaven District, and what we would like is both parts of our community to be in the Bayside District, where we were originally before 1996. So, that's essentially our Plan.

Otherwise it's very similar to the composite alternative. There are some other changes, but they are very small and I don't know what they entail. So, Mr. Brace would have to answer that. Any questions?

**COUNCILMAN JONES:** Thank you, Mr. Moore.

**GENE MOORE:** Thank you.

**CITY CLERK:** Robert Sipka.

**ROBERT SIPKA:** Good evening, Council. I'm Robert Sipka. I'm President of Pembroke Manner Civic League and back in August the Civic League voted to wholeheartedly endorse and be represented by one District and we chose Bayside, because that's where we were before.



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Last year whenever we requested Council visitation we had to have two Council Persons visit, Mr. Jones or Mr. Harrison, and that gets difficult at times and our Civic League itself. Really, the members don't have a feel for why we are split and we choose hopefully that we won't remain that way so we have one representation on the Council. Thank you.

**COUNCILMAN JONES:** Thank you, sir.

**CITY CLERK:** Brian Kirwin.

**BRIAN KIRWIN:** My name is Brian Kirwin. My address is 304 Cripple Creek Court in the Beach District.

First of all, I want to thank the Council Members, the Civic Leagues and the citizens who went to the time and effort to draw proposals. I'm here specifically to speak about the 11-District Proposal, because it brings up a question I've been asking for quite some time. Should all seats on City Council and School Board be voted at large as a candidate for School Board from the Year 2000? I think I can speak at some level of experience for this.

Several of the seats in 2000 went unopposed. On the School Board there was actually an open seat that went unopposed. The challenger had no challenger and was basically elected as soon as he signed up. To serve in the House of Delegates in Richmond, one needs to campaign in ten or twelve precincts. To serve in the State Senate one needs to campaign in about 30 Districts, but to serve on your own local Government, to serve in your own City Council or the School Board you must campaign in about 80 precincts. I feel that's a barrier to public service to have to campaign in eight times as many precincts as someone who serves in Richmond.

It also creates some odd possibilities. For example, some incredibly talented and experienced person can run for the Bayside Seat and win the vote in the Bayside District, but due to other votes in other Districts may not win that seat, and the person chosen to represent Bayside would be someone that Bayside didn't choose.

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Now, if we can paraphrase Sandra Day O'Connor and call a District Bayside, Kempsville -- take your pick -- Beach as a community of interest, then diluting the vote of that community of interest raises to me serious Constitutional questions, which I think our At Large System is currently problematic. I think there should at least be a mix of District and At Large seats in my ideal world to bring a mix of experience of different strengths, people with different consistencies and people who can look at problems through a different set of eyeglasses to City Council and to School Board.

Our City has grown and we know how large and how quickly it has grown. I believe our current At Large System becomes more and more a serious impediment to honest citizens who want to be involved in elective Government and I think it just makes the mountain a little too high for some people to climb. I think we should consider changing it. Thank you.

**COUNCILMAN JONES:** Thank you, Mr. Kirwin.

**CITY CLERK:** Shewling Wong.

**SHEWLING WONG:** Good evening, Members of Council. In the past when I had something to say, I picked up the phone and I dealt with you one on one. This time I want you to hear me. I want you to hear me as a group. I don't have any notes. I don't have any maps. I don't have any graphs.

What I want to say is that it's time. It's time to look at the District System that we have. The way I understand it what we have is something from the 60's. It served our needs at that time because the County and the City had merged. Today, 30-some years later, I think our City has changed. The population has changed. The demographics have changed. The ratio of the people has changed.

Well, this is a good opportunity for us to redesign a new District. As a business person I do that. When I am doing something -- what else is there that I can accomplish while I'm doing this. What other alternatives do I have? Well, you are the community leaders. I know

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you serve us and you serve us well, but now look and see. Can we serve all people? What else is there that we can do?

We are so fortunate. We have citizen volunteers in this community. I think we have more than any place else. Look at all the Plans that came up. I am dumb-founded, but I am here to say to you from the bottom of my heart no notes, no nothing. Please consider. Have a open mind, evaluate each plan and see where we can go with the whole City. Thank you.

**COUNCILMAN JONES:** Thank you, Mrs. Wong.

**CITY CLERK:** Georgia Allen.

**GEORGIA ALLEN:** Good evening. To the Honorable Mayor Oberndorf and Members of Council, I am Georgia F. Allen and with me I have Professor Rudy Wilson who is the expert on the Plan.

Tonight we have a representation of many communities to include the Asian-American Community, the Philippino-American Community, the Chinese-American Community, the Cambodian Community as well as the African-American Community.

We the Members of the Community Coalition for a Better Virginia Beach believe that the City's current system of electing Members to City Council does not provide a fair opportunity for citizens who are racially and ethnically diverse to elect a candidate of their choice to Council.

We believe that the current Plan violates both the spirit if not the letter of the Voting Rights Act of 1965. In addition, our current system which provides for At Large Election of all 11 Members of Council does not allow reasonable elected representation from the current diverse population of the City, which is close to 30% racially diverse.

This current system also denies both persons of minority races and

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others with significant community interests a fair opportunity to elect candidates whom they believe would best represent them.

Currently, there are no minorities elected to City Council. In addition of the eleven City Council Members, four live at or near the Oceanfront, three live in or around the Kempsville area and this means seven of our current elected Members live primarily in two Districts or in close proximity to one another. Given this fact less than half the Council live throughout the remainder of the City.

We the Coalition therefore propose that the City adopt an single-member districting system in which all 11 members of the Council are elected by residents of their individual Single-Member District. The Coalition of the proposed Plan provides the best opportunity for the inclusion of groups that have been historically and systematically disenfranchised.

Our plan is fair and it protects traditional principals of citizen representation. Thank you for allowing me the opportunity to address you on this issue which is very important to the many citizens of the City of Virginia Beach.

**COUNCILMAN JONES:** Thank you, Ms. Allen.

**CITY CLERK:** Nony Abrajano.

**NONY ABRAJANO:** Good afternoon, Members of the Council, the last time I was standing before you was 1995. This is the second time.

My approach is to have you open your minds and accept all the proposals that are being presented to you. I'm a member of the Coalition, Community Coalition for a Better Virginia Beach, and in our group Georgia Allen already specified to you the members.

Now, this is the first time that the Philippino-American Community comes to you in support of the proposal the Coalition is going to forward to you.

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In addition to that, being the Chairman of the National Federation of the Philippino-American Association in Hampton Roads and also Southern State of Virginia Beach, I am representing my community in terms of the Proposal. Right in front of you there are so many Proposals, but I would like to request submittal of the Proposal of the Coalition to all of you. Please look at that, because that's a representation for us as minorities as well in the City.

We are growing. Back in the 1950's and 1960's we were looking at what was best for the City of Virginia Beach. This is the new Millennium and we are growing in numbers and we would like to have equal representation as well. I thank you very much for your time.

**COUNCILMAN JONES:** Thank you, Mr. Abrajano.

**CITY CLERK:** Gil Zulueda. Pronounce it for me please.

**GIL ZULUEDA:** Good evening, Members of the City Council.  
My name is Gil Zulueda, and I'm the Chairman of the Philippino-American Association of the Capital Region, and I'm here to support Rudy Wilson's 11-District Proposal that was submitted to you on September 29th of this year.

The bottom line of what I am trying to say this evening is that whatever you decide this evening, please, consider an equal presentation of the minorities that are living in our Virginia Beach. For so many years we never had any members from our community sitting either on Council or on the School Board. I think it's about time for us. We have to open our minds and our hearts to reach our community.

So as they are using ideas, be combined in our planning for a better community of Virginia Beach. I would like to ask Mr. Jones on the Council if I may yield my remaining time to Mr. Rudy Wilson.

**COUNCILMAN JONES:** Mr. Zulueda, if the other gentleman wishes to speak, he will be called to speak. He will have his own time. How is that?

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GIL ZULUEDA: Oh, Okay. Thank you very much.

COUNCILMAN JONES: Thank you, sir.

CITY CLERK: Mary Nelson.

MARY NELSON: Good evening, Members of Council. I haven't been here in a long time. I think the last time I was here I was talking about racial inclusion. So, I'm back again. I am asking you to strongly look at the Plan for the 11 Single-Member District.

My name is Mary Red Nelson and I said the Red so you would know who I was. The reason it is so important, is because often times we make decisions and they turn out to be racial when many times they have "classicism" because classes of people are drawn together. I'm saying if we go to an 11-Member District, we are doing something that Chrysler Corporation didn't do, Lee Iacocca. He didn't diversify his business. So, therefore, he had to borrow money from the Federal Government.

Now, we want to diversify early on and prevent the problem because we had a problem one time and it was simply because we talked to the same people. We want you to talk to other people. I served on the Electoral Board from 1993 to 1999 for Virginia Beach. One of the concerns that I consistently had was that minority populations and lower social economic folks who are white just didn't vote and when I talked to them the reason they did not vote is they didn't feel they had anybody representing them. The 11-Single Member District gives them an opportunity to feel a part of the community.

So, we need to begin including all of our population, all of our citizens because as we grow we have to prepare for the future. Let's face it. A certain portion of the population is decreasing. If you don't train that portion now, we are going to get in serious trouble with our big conglomerate City with people with no experience.

Now is the time to consider looking at a 11-Single Member District,

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so that those people that I felt were left out of the process can feel a part of the process. One of the things of the Electoral Board that you say is that we spent an awful lot of money for so few people to vote. So, thank you.

**COUNCILMAN JONES:** Thank you, Mrs. Nelson.

**CITY CLERK:** Ron Villanueva.

**RON VILLANUEVA:** Good evening, Honorable Members of Council.  
I'm Ron Villanueva, President of the Philippino-American Community of Tidewater and Chairman of the Philippino-American Community Action Group, political forum.

More importantly, I am a proud member of the Community Coalition for a Better Virginia Beach, the one that's assembled here tonight. From what Georgia talked about earlier, it's a broad-base coalition of Asians, Hispanics, African-Americans, Indians, people of all backgrounds that are wishing to seek a more equitable system of representation. It's probably one of the first times ever in our community that all of our communities have gotten together on this level to ask you to support our Plan.

This Coalition is diverse as our beloved City and it is much more united. Further it is united together in partnering with all of you in making our City a better place to live. I'm here tonight like many of my partners in the Coalition to speak in favor of redistricting. While, I may not agree with all the components of our Plan I am in favor for what it stands for. I would be in favor of creating Districts that are equally proportionate and reflective of our City's changing demographics.

While I know that Council and other members of the community have taken the time to craft other proposals, I would hope they would entertain our plan and maybe even borrow some of our components in our Plan.

Your decision affects us all. It affects our communities in many

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ways from creating economic growth, safer neighborhoods and possibly stronger education opportunities. Whether the Council's decision tonight would be to create a new District, change the current District System or maintain the current system you can rest assured that we will continue as our Coalition to work with all of you.

Also, keep in mind that at some time in the future somebody from one of our communities will stand beside you as an elected representative. Thank you for your time and your leadership.

**COUNCILMAN JONES:** Thank you, Mr. Villanueva.

**CITY CLERK:** Dr. Charles Flowers.

**DR. CHARLES FLOWERS:** Good evening, Members of Council. In our planning session, I was given to believe that we were to put ourselves on record and then we would give our time over to Mr. Wilson, who has a Plan for the 11-Member Districts.

**COUNCILMAN JONES:** Mr. Wilson will have a chance to make his Presentation.

**DR. CHARLES FLOWERS:** He will have as long of time as he needs? He doesn't need my time? Is that what you're telling me?

**COUNCILMAN JONES:** He's going to have time to speak.

**DR. CHARLES FLOWERS:** Okay. Good evening. I will make this very short, because I am unprepared to make an address. I am speaking though in favor of a more inclusive Council and to that end I think that an 11-Member Council would do that. It would also make it less expensive for the Councilmanic Election. You wouldn't have to run into cities At Large. So, I am speaking in favor of that petition. Thank you.

**COUNCILMAN JONES:** Thank you, Dr. Flowers.



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CITY CLERK: Henry Ryto.

HENRY RYTO: Hello. I'm Henry Ryto, author of the Plan that bears my name and a current member of the Lynnhaven District, although each of these six proposals would move me to the Beach District.

Let me first of all start by explaining my Plan for the few Members of Council, so that when it comes time to vote on the 23rd you will comprehend what I was trying to do.

I started with the Beach District here in the Northeast. The Beach District was like 10% under in population. I had moved it North and included the North End, which I thought was only common sense that the North End would be in the Beach District. As I studied more population, I moved it Westward including the Linkhorn Precinct and took the Southern part of Hilltop Precinct.

The shopping areas in the Southern part of Hilltop Precinct are frequented by many of our guests to the Resort Area and thus you could argue a community of interest. I needed to adjust it more to get down to a legal limit. I added the section around the Lynnhaven Mall, that commercial area, once again an area frequented by visitors.

Next would be the Lynnhaven District, as far as Great Neck and Little Neck -- which demographically the residential areas are roughly the same -- around to the London Bridge area as far as to connect them geographically, then still needing a little bit more additional population moved West along the Shore Drive Corridor, picking up like three or four population stands there as far as to finish off the District.

Bayside District, the one that gave me headaches, that's my seventh different alignment of it. The problem with Bayside you want to put the entire Northwest together. The problem is it's about nine to 10,000 people over demographically in terms of trying to draw together as a full District. However, once I removed those strands

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in the Northeast section there from the Lynnhaven District, the rest of it roughly falls together.

Princess Anne District in the South -- I brought Princess Anne up North and just North of Sandbridge Road to put the entire Sandbridge Road Corridor within the Princess Anne District as that itself is an issue, then clearing the West meaning some additional people wanted to put Stumpy Lake in Princess Anne District. As saving Stumpy Lake has become a big issue, I wanted to go ahead as far as put that in with the rest of our green areas in Princess Anne.

Then, finally, Rose Hall. I brought that South to accommodate the Green Run Civic League which had stated at the July Meeting that they wanted to be kept together as a single District. As far as by moving that single District, you have Rose Hall in the middle of the map as well as in the North -- as far as the North End, that's what demographically changed it as far as the map.

Then, there was finally the question of drawing the line between Centerville and Kempsville. I see I have the red light. I might have some more issues that are raised, so I will be back on the 9th in case there are any more questions about my Plan. Thank you.

**COUNCILMAN JONES:** Thank you, Mr. Ryto.

**CITY CLERK:** Charles Edmonds.

**CHARLES EDMONDS:** Good evening, Council Members. My name is Charles W. Edmonds. I'm here in support of Mr. Rudy Wilson's Plan and I hope that you will consider it. Thank you.

**COUNCILMAN JONES:** Thank you, Mr. Edmonds.

**CITY CLERK:** Rudy Wilson.

**RUDY WILSON:** Good afternoon, Members of Council and Ladies and Gentlemen. First of all, it is

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actually not Rudy Wilson's Plan. I happen to be the principal demographer who was asked by the Community Coalition for a Better Virginia Beach to construct a Plan that would perhaps provide for a more equitable representation.

Both groups, essentially, as opposed to some franchiser or neglected from any kind of systematic inclusion into the electoral process for the City of Virginia Beach, as well as, representing viable and significant communities of interest as well.

Within the context of the construction of this Plan, we looked at a lot of considerations that kind of constitute the historical development of the City of Virginia Beach and as a person who has directed the Community College and actually a neighborhood college over the last five years for the City of Virginia Beach and worked fairly closely with City Government over the last ten to fifteen years, a lot of considerations went into the Plan that I thought represented more than simply and opportunity for minority groups to have a fair chance, simply a fair chance at electing candidates of their choice; but, also looked the distinct communities of interest scattered throughout the City as a whole as well.

I think there are a lot of reasons and, obviously, the debate as to whether or not At-Large Districting versus Single-Member Districting is most beneficial for the candidate versus the City, versus the communities and so forth and so on. It can go on and on and on. But, in the last analysis I think that when we look at the evolution of demographics in the City in 1990 the combined minority population in the City was about 17%. In the Year 2000 based upon the 2000 Census, it approaches close to 1/3 and probably is 1/3 if you were actually given an opportunity to look at the under-count data.

So, I think that when we look at these growing evolutionary factors in the overall growth for the City, that the consideration that we move from At-Large Districting to Single-Member Districting and that each Council Person represent a District that is uniquely their interest and community interest second and the City of Virginia Beach first as a whole is an appropriate opportunity to bring more

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democracy and substantive representation to the City as a whole.

So, I would strongly encourage you to make the leap and, in fact, adopt Single-Member Districting first and then within the context of that Single-Member Districting, an 11-Member Districting Plan. And, again, I thank you very much for your consideration of these matters and I hope that you will, in fact, exercise rational judgement as it pertains to these matters. Thanks a lot.

**COUNCIL LADY EURE:** Louis.

**COUNCILMAN JONES:** Yes. Mrs. Eure would like to ask you a question.

**COUNCIL LADY EURE:** How did you -- when you drew the 11 Districts, what was the result of you feeling that a minority would have a better chance of being elected? Did you base it on where they live or percentage of how many live in whatever District you drew or how did you split it up?

**RUDY WILSON:** Well, if you notice when you look at the statistics for the Districts, there are a number of Districts here, three to be exact. Two of them are within the context of data analysis and voter rights. They represent strong influence Districts. District 9 has a total minority population of 46.31%. District 1 has a total minority population that is 18 years of age of 43.36% and District 4 is literally speaking a majority or minority District.

With the benefit of -- and I should say that the overall data analysis in terms of benefit of election return data over the last eight to ten years, my sense of that analysis indicated to me was that all things considered this does, in fact, provide for at least a fair opportunity.

I'm not saying that it provides for an absolute opportunity, but surely a fair opportunity for some of these communities that have not had an opportunity to elect candidates of choice to, in fact, do so

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in a way that is consistent with what is generally done throughout the country and most of the counties in the State of Virginia. It is obviously done in the City of Norfolk, the City of Newport News, the City of Hampton, the City of Richmond as well as most of the cities in Northern Virginia as well.

So, within the context of moving towards Single-Member Districts and what it would simply do to put Virginia Beach in line with most of what the State does in terms of the way it elects representatives to County Commissions and City Councils.

There are very, very few areas in the State at this point in time that have not moved to a more democratic and I think more cost-efficient as well as substantively representative process of electing Members to the Council. So, the idea of this Single-Member Districting process is, in fact, the right way to go I think at this point for the citizens of Virginia Beach.

**COUNCIL LADY EURE:** And I'm sorry. I didn't understand that first comment that you made when you said, for instance, District 1 -- and what was your second District that had 40%? Roughly 40%?

**RUDY WILSON:** Ken, do you have the statistics that you could put up?

**KEN:** Yes. Actually I handed those out. That's the pieces of paper we passed out. It has both population by race and voting-age population by race.

**RUDY WILSON:** Yes, it does. Can you put them on the screen?

**COUNCIL LADY EURE:** But the 40% that you were addressing, was that of the voting members in that District or was that 40% of that District being a minority?

**RUDY WILSON:** Forty percent of the District constitutes a

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minority of persons 18 years of age or older, right.

**COUNCIL LADY EURE:** Thank you.

**RUDY WILSON:** Uh-huh. Actually, one was 43.3. One was 51.7 and then there was one that was 46.3. So, all of them have an extensively stronger minority population within the context of those Districts.

**COUNCIL LADY EURE:** But then, would it be hard for someone in a District that didn't have 40% of that voting population as a minority? It would be difficult for a minority getting elected in those Districts?

**RUDY WILSON:** Well, not as difficult as it already is. That's the whole point here. The level of difficulty at this point constitutes systematic exclusion. So perhaps, but not as difficult as it currently is and that I think is the critical question that the Council, you know, has to entertain at this point, is whether they want to move from a process that is extremely difficult if not virtually impossible to a process that makes it a little more fair within the context of inclusion of other groups and other communities of interest as well. It is not simply a question of ethnic or racial inclusion, but also distinct communities of interest that fall within the parallels of some of these areas throughout the City that are also missing within the mix of the way that the Council is currently structured as well.

**COUNCIL LADY EURE:** Thank you.

**COUNCILMAN JONES:** Mrs. Parker.

**COUNCIL LADY PARKER:** I just have a process question for you and think it came up today in the paper. If you had 11 Districts, how would the Mayor be elected in this process? Have you thought about that?

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**RUDY WILSON:** Well, there are probably three or four options and that is a matter that the City Council could entertain. As you know, Councilwoman Parker, the City of Norfolk is, in fact, entertaining that exact question at this point in time. And within the City of Norfolk where there is, in fact, Seven-Member Districts the Mayor is selected from a member of those seven Districts, but there is extensive discussion that there has, in fact, been a referendum that would lead to the election of the Mayor At-Large.

Now, what the City has not resolved is whether or not the election of the Mayor At-Large will actually constitute six Districts and the seventh person constituting the Mayor At-Large. Now, I recommend it and I've been working with the City of Norfolk on this question that they maintain Seven Single-Member Districts and elect the Mayor At-Large. It seems to me that would probably be a fair way to maintain substantive representation on Council and at the same time a person that is the spokes person for the City as a whole as Mayors are and in terms of other kinds of management and activities that the Mayor does on an administrative level.

One of the options that the Council could, in fact, entertain would, be the retention of 11 Single-Member Districts and then the Mayor being elected as a twelfth person At-Large and that's generally -- I would say in about 70% of cities around the country that's generally the way the structure exists at this point in time.

**COUNCIL LADY PARKER:** So then your Mayor would be a non-voting Mayor? Because more than once this Council has been split in a six to five vote. So you might end up with a lot of six to six votes.

**RUDY WILSON:** Well, there are a number of cities around the country and I believe that the City of Miami as well as San Diego have entertained the question and to some extent one aspect of the question resolves around whether or not the non-voted Mayor has veto power and whether or not he does not have veto power. That, to some degree is a research question.

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Again, it sort of moves toward a weak Mayor structure versus a strong Mayor structure, and that depends upon how much strength you want to put in your Council as to how much additional power one provides for the Mayor, if the Mayor, in fact, is elected At-Large.

That's something that can go to the public in terms of referendum. You can specify within the context of the referendum how much power you would like that Mayor to have if he or she is, in fact, elected At-Large.

But, it is a question that entails public debate and there are a lot of various scenarios that you could draw that would, in fact, constitute the strength and authority that you would give to the Mayor. And, again, I think the City of Norfolk has done an excellent job in entertaining those kinds of scenarios as they move through this very process that you're speaking of.

COUNCILMAN JONES:           Anymore questions of Mr. Wilson?  
                                  Thank you, Mr. Wilson.

RUDY WILSON:                Well, thank you.

COUNCILMAN JONES:           Does the Clerk have your address?

RUDY WILSON:                Yes.

COUNCILMAN JONES:           Thank you, Mr. Wilson. Are there any other  
                                  speakers, Madam Clerk?

CITY CLERK:                 No, Your Honor.

COUNCILMAN JONES:           Are there any citizens here who have not  
                                  spoken who would like the opportunity to  
speak at this time? If not, I will close the Public Hearing on  
Redistricting.

CITY ATTORNEY:             Mr. Jones, if I might add just for  
                                  public information. There will be another



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Public Hearing next Tuesday night at Council's October 9th Meeting and currently the Plan is to vote on a Plan, subject to Council's schedule. But, the original Plan is to vote on October 23rd.

**COUNCILMAN JONES:** Did everybody hear that? The City Attorney just advised us that there will be another Public Hearing next Tuesday night following which we, the Council, will have an opportunity to vote.

**CITY ATTORNEY:** The vote, Mr. Jones, is presently scheduled for October 23rd, the fourth Tuesday of the month.

**COUNCILMAN JONES:** The vote will be on October the 23rd.

**CITY ATTORNEY:** Subject to Council requesting more information or anything like that. That's the original Plan, to vote on October 23rd.

**COUNCILMAN JONES:** Do you have a question?

**COUNCIL LADY PARKER:** Yes, to Mr. Brace if you don't mind. While people may not agree with the system we have in place right now and they may think it needs to be changed, I respect that opinion. But, there were a couple of things that I think need to be clarified such as the system we have right now violates the voting rights. I think you worked with us in this process when we did it in '96. If you might address that because like I said we can have differences of opinion, but I think we ended up at the Justice Department to ensure that we were in compliance. If you might comment on that if you don't mind, please.

**KIMBALL BRACE:** Yes, Madam Councilwoman. We have continued to take a look. We were involved with the City back in the '96-'97 instance, as you may recall. And Mr. Lilley can add to my comments.

We did take a look at that point in time the terms of the Voting

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Rights Act, what was presented. There is some Case Law that does stipulate the Supreme Court has held that the Voting Rights Act does not require a jurisdiction to change the size of a Legislative Body in order to fulfill requirements of the Voting Rights Act. That was a Supreme Court Case, Holder versus Hall, a Georgia County Case back in '92-'93 I believe it was.

So, there is precedent in not having to change in terms of the size of the Delegation.

**CITY ATTORNEY:**

If I could add to what Mr. Brace is saying.

Mrs. Parker, I think where you are going with this is we did look at our Electoral System in 1996. There was a Study commissioned and a recommendation to Council and plans were solicited at that time. Mr. Brace assisted us and Council at that time, for the first time, to really change the traditional Borough System that we had into a District System. You made it into seven equally-populated Districts. Because if you remember prior to that time they were not equally-populated Boroughs, if you will. The Election Districts were Boroughs and they were historical -- really the old County Magisterial Districts from Princess Anne County and the Town boundary, which constituted the Districts.

So, in 1996 you revisited that. Like I said, you had a study commission. You studied electoral changes at that time and you selected the present seven to four system. We did that in between the census data, if you will, and now we are operating with the 2000 census and we're required to redistrict our boundaries, so we have equal-member Districts, if you will.

So, we have to adjust those boundaries, but that does not pre-empt you from consideration, as you have heard tonight in consideration of another Electoral Plan, if you wanted to do that. So, I think that's perspective where we are.

**COUNCIL LADY PARKER:**

I was just concerned that I didn't want it to sound that we had done something that was illegal.

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**CITY ATTORNEY:** Oh, no, ma'am. That submission went through the Department of Justice and was approved by the Department of Justice at that time.

**COUNCIL LADY PARKER:** And that's not suggesting --

**CITY ATTORNEY:** I say approved, they never really say you're approved. Kim, what's the language they use?

**BRACE KIMBALL:** They don't disapprove I think is what it is.

**CITY ATTORNEY:** Something like that. But it was submitted to the Department of Justice and did go through the Department of Justice. This is an opportunity as you heard someone say to look at other systems if you want to, but you really did do that in 1996.

**COUNCIL LADY PARKER:** Okay. Like I said I just didn't want to leave the impression that maybe we did something that was illegal in '96. I didn't think that we had, but that's not to suggest that we can't look at other opportunities at the same time. Thank you.

**COUNCILMAN JONES:** All right. Thank you, Mr. Brace. We will close the Public Hearing on the Redistricting.